

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	No. 3:19-00230
v.)	
)	Chief Judge Crenshaw
JOSE FERNANDO ANDRADE-SANCHEZ)	

UNITED STATES' MOTION FOR DETENTION

The United States of America, by its attorneys Donald Q. Cochran, United States Attorney for the Middle District of Tennessee, and Brent A. Hannafan, Assistant United States Attorney, moves this Court to detain defendant pending trial, pursuant to 18 U.S.C. § 3142(f)(2). The United States moves for pretrial detention on the grounds that there is a substantial risk defendant will not appear for trial and thus poses a flight risk, and also because defendant poses a risk to the safety of the community based upon his prior criminal history.

Pursuant to Title 18, U.S.C., Section 3142(g), the factors that this Court should consider which require defendant's continued detention are as follows:

1) That the weight of the evidence in favor of detaining defendant is compelling (*see* 18 U.S.C. § 3142(g)(2)). Defendant has been found in and removed from the United States on four prior occasions. As alleged in the Indictment, defendant again illegally re-entered the United States following his most recent removal on October 13, 2013. (DE 1, Indictment.) Additionally, while present in the United States, defendant engaged in criminal conduct.

2) On June 15, 2009, defendant was charged in Davidson County, Tennessee - under the alias of Eduardo Negrete - with Domestic Assault and Child Abuse, Aggravated, Child 8 or Less or Disabled. Defendant pleaded guilty to the Domestic Assault charge and the Child Abuse charge was retired. As described in the Affidavits in support of the Arrest Warrants in those cases,

defendant assaulted Norma Avina, his then girlfriend (now wife). While defendant was assaulting Avina, defendant struck Avina's three year-old daughter in the face, causing the child's face to bleed "profusely." Both Avina and the child were transported to a hospital emergency room. Avina was treated for facial injuries and the child was evaluated for a possible broken nose. Attached as Exhibit 1 hereto are the Affidavits and General Sessions Dispositions related to those two charges.

3) Following his removal to Mexico on July 16, 2009, defendant illegally returned to the United States. On April 21, 2013, defendant was charged with Criminal Impersonation (misdemeanor) after falsely identifying himself as "Erik Velazquez" to a Metro Nashville Police Officer during a traffic stop on April 21, 2013. He pleaded guilty to that charge on May 21, 2013. Attached as Exhibit 2 hereto is the Affidavit and General Sessions Disposition related to that charge.

4) On September 5, 2019, two Immigration & Customs Enforcement ("ICE"), Enforcement & Removal Operations ("ERO") agents located and spoke with defendant in a parking lot in Antioch, Tennessee. Defendant was sitting in the driver's seat of a truck. Defendant refused to get out of the truck and instead drove forward. As defendant drove forward, an agent fired twice, hitting defendant once. Defendant then drove out of the parking lot.

5) The history and characteristics of defendant (*see* 18 U.S.C. § 3142(g)(3)), including his repeated violations of immigration law and his criminal conduct while in the United States illegally, demonstrate that defendant is a risk of flight, a danger to others, and lacks respect for the laws of this country. Therefore, this Court should order that he be detained until trial in this case.

The United States respectfully requests a 3-day continuance to prepare for the detention hearing and to permit time for the preparation of the pretrial services report. 18 U.S.C. § 3142(f).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be served electronically to counsel for defendant via CM/ECF on September 17, 2019:

/s/ Brent A. Hannafan
BRENT A. HANNAFAN